

RFM
8/18/08UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 AUG 18 AM 11:56

UNITED STATES OF AMERICA,

Plaintiff,

v.

Fernando SILVA-Lopez,

Defendant

Magistrate Docket No.

'08 MJ 2546

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United StatesCLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **August 15, 2008** within the Southern District of California, defendant, **Fernando SILVA-Lopez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **AUGUST, 2008**


Barbara L. Major
UNITED STATES MAGISTRATE JUDGE
DOA
8/15/08
JMB

CONTINUATION OF COMPLAINT:

Fernando SILVA-Lopez

PROBABLE CAUSE STATEMENT

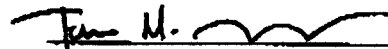
I declare under the penalty of perjury that the following statement is true and correct:

On August 15, 2008 at approximately 10:15 p.m., Border Patrol Agent P. Fisher observed eleven individuals crossing an area known as "Thing Road". This area is approximately one mile east and .2 miles north of the Tecate, California Port of Entry.

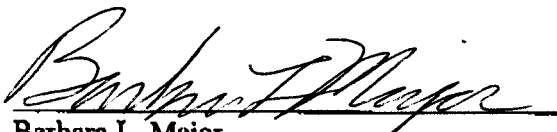
Agent Fisher made contact with the individuals upon arrival at the designated location and identified himself as a United States Border Patrol Agent. Agent Fisher questioned all the individuals, including one later identified as the defendant **Fernando SILVA-Lopez**, regarding their citizenship and nationality. All subjects stated that they were citizens and nationals of Mexico without the proper U. S. immigration documents which would allow them to be in or remain in the United States legally. At approximately 10:15 p.m., all the individuals, including the defendant, were placed under arrest and transported to the Border Patrol, Tecate Processing Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on or about August 14, 2008. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on August 17, 2008 at 10:00 a.m.


Tomas M. Jimenez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 15, 2008 in violation of Title 8, United States Code, Section 1326.


Barbara L. Major
United States Magistrate Judge

8/17/08 at 10:02am
Date/Time